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TRIBUTES

TO

THE MEMORY OF

WALBRIDGE ABNER FIELD

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With the Compliments of

The Family of Walbridge A. Field

TRIBUTES

TO THE MEMORY OF

WALBRIDGE ABNER FIELD

Walbridge A. Field

TRIBUTES OF THE BAR

AND OF THE

SUPREME JUDICIAL COURT OF THE COMMONWEALTH

TO THE MEMORY OF

WALBRIDGE ABNER FIELD

TOGETHER WITH

MEMOIRS READ BEFORE THE MASSACHUSETTS HISTORICAL SOCIETY

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WALBRIDGE ABNER FIELD

Born, April 26, 1833

Died, July 15, 1899

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PROCEEDINGS.

A MEETING of the Bench and Bar of the Commonwealth of Massachusetts was held in the Supreme Court at Boston, November 25, 1899, to take action on the death of the late Chief Justice Walbridge Abner Field.

The meeting was called to order by Causten Browne, and Lewis S. Dabney, President of the Bar Association of Suffolk County, was appointed chairman. William F. Wharton served as secretary. Alfred Hemenway read the resolutions, and they were adopted. Brief tributes followed.

ADDRESS OF ALEXANDER S. WHEELER, ESQ.

Since my admission to the bar some fifty-six years ago there have been six chief justices of the Supreme Judicial Court, not including the recently appointed and honored incumbent, all able men, who worthily filled their great office to the benefit of the people of the Commonwealth, to the satisfaction of the bar, and whose judicial decisions have given to the Supreme Court of Massachusetts a position second to that of no other in the United States.

The career of Chief Justice Field was successful from the beginning. In college he was the first scholar, not only of his own class, but of all the classes during his college course, and to-day he is remembered at his Alma Mater as one of the best scholars of Dartmouth.

After spending a year at Dartmouth as tutor he entered upon the study of law, and soon after his admission to the bar was associated with the late Harvey Jewell; and subsequently William Gaston became a member of the firm, which had a large and successful

practice, the investigation of questions of law and preparation of legal arguments being largely in the hands of Mr. Field.

Mr. Field tried but few cases to the jury as senior, and I do not think he had that gift of speech and some other qualities essential to the highest success as a jury lawyer. His strength lay in the consideration and argument of legal questions, and had he continued at the bar he would have undoubtedly attained a high rank and stood among the leaders. For this, his knowledge of the law, his power of reasoning, and his keen judgment, coupled with his industry, were amply sufficient.

The late Judge Hoar, when appointed Attorney General of the United States, appointed Mr. Field Assistant Attorney General. He was subsequently elected a member of Congress, and while in that office was appointed an Associate Justice of the Supreme Judicial Court, and on the death of Chief Justice Morton was appointed his successor. His course was steadily onward and upward, due to the innate qualities of the man.

Chief Justice Field was a man of the most resolute independence, morally and intellectually. His industry was indefatigable. He gave to every question the most careful and searching investigation in his power, and formed his conclusions after the most careful consideration. And when he had formed a conclusion he stood by it. He did not, he could not, surrender his judgment, unless convinced of error either in his premises, or his reasoning from those premises. When that was done, no pride of opinion prevented his yielding to what he became convinced was the more correct view.

His intercourse with the bar was, so far as I had any opportunity of observing, uniformly courteous, and he was especially considerate toward the young members. They were sure of attention to their arguments, and kindly conduct toward themselves personally. Perhaps this is not always characteristic of judges, but it was a marked feature of the late Chief Justice.

Chief Justice Field fully realized the responsibilities of his position as the head of the tribunal which administered the law to a great and rich Commonwealth. The rich and poor alike are subject to its decisions and must conform to its judgments. Chief

Justice Field to the utmost of his ability sought to make those judgments conformable to law and justice. Others will give a more full and ample description of his work as Judge and Chief Justice. It is perhaps sufficient for me to say that he was worthy of his place, and discharged its duties in a manner worthy of the successor of the eminent men who had preceded him.

As a man, Chief Justice Field had the respect of all who knew him. He was not only an able lawyer and magistrate, he was a good and useful citizen, interested, as every man should be, in all that concerned the Commonwealth and the whole community. Not an active politician in the present sense of that term, he was interested in the great political interests of his State and the whole Union. He exerted his influence in a quiet way in behalf of such measures and such men as he thought would be for the highest good of the whole people. He had a warm and generous heart. His capacity for friendship was large, and he had a large circle of warmly attached friends, who were always glad to meet him and enjoy his conversation, and by whom his memory will ever be cherished.

ADDRESS OF HON. JAMES R. DUNBAR.

Of the positions to which high ambition and a consciousness of power may rightfully lead a man to aspire, there are few which confer greater honor or call for the possession of wider knowledge, keener discrimination, more practical sense, tact, and patience than the position of Chief Justice of the Supreme Judicial Court. The demands which its duties make upon the mind and strength, the traditions of the office, and the memory of the illustrious men who have conferred honor and distinction upon it, might well cause the strong and capable to hesitate before accepting so onerous and responsible a position.

The work is not rewarded by the plaudits of the crowd, it affords no field for popular triumphs; it gives honor and distinction in the minds of but a narrow circle of the thoughtful and the

studious. But it has always been worthily filled, at times by men the lustre of whose reputation has not been dimmed by the lapse of years — men worthy to rank with the great and illustrious of past generations.

Into this office our late Chief Justice entered because the consensus of opinion of the bench and the bar pointed to him as the man fitted by character and attainment to hold it. Whatever doubt he personally may have had of his qualifications, they were shared by no others.

The natural bent of his mind was scholarly. He had the scholar's accuracy of thought and felicity of expression, and the conservatism which comes from much study, experience, and reflection.

He had an unusual capacity for the acquisition of knowledge, a characteristic which showed itself early, was marked in his college course, and continued through life, and his acquaintance in many departments of human knowledge was deep and wide. But to know this, one needed to meet him in social converse and draw him out; he made no display — that was abhorrent to him at all times and in all places. He had the simplicity of an open, ingenuous mind, and the grasp and reach and analytic power of the trained reasoner and disputant.

He loved the truth and sought it diligently and unwearyingly, not from pride of opinion, for he had little of that; not that he might appear to be right, but that he might feel firm ground beneath his feet and confidence in his own conclusions.

He was always fair, tolerant of opinions which differed from his own, rapid in his mental processes, but never hasty in reaching conclusions, examining carefully every proposition, and, while tenacious of opinions reached after careful consideration, was extremely modest in relying upon opinions not thus formed.

I remember that in discussing with him one day a question of law, he stated a proposition of the correctness of which I expressed some doubt. Though he was right, he immediately looked it up, and having reason no doubt to fear that I might some day make an erroneous ruling on the point at *nisi prius*, he sent me within an hour two authorities on the point sustaining his proposition.

Judge Field possessed a highly nervous temperament, sensitive and responsive to every call of duty, but by virtue of a strong will and a clear mind he maintained a poise and steadfastness of character and manner possessed by few.

His makeup was that of the type of men who do some of the best, at times the greatest, work, but often at the expense of health or life.

It was to be expected that with his temperament and his conscientious devotion to duty he would not reach an advanced age; but although his health was known to be uncertain, the end, when it came, found us unprepared. The death of a friend, the loss of a great mind and a noble character, to us is loss and only loss, and yet to him it could not be such. His life, though not long, was yet not brief. It was filled with high endeavor, with great accomplishment, with noble service. He was faithful unto death, and to such it can never be loss to exchange the life of service here for the life of higher service and greater usefulness beyond.

ADDRESS OF SOLOMON LINCOLN, ESQ.

Massachusetts has been so fortunate in her Chief Justices that we need not hesitate to apply to each of them Mr. Choate's wonderful description of the good judge. They have all possessed a large measure of the high qualities which are essential to that exalted station, and in describing these qualities we are in danger of falling into commonplace. Yet though they had much in common, each, of course, has his individual character.

Although Chief Justice Field's practice at the bar was not of long duration, yet his varied experience as a college instructor and as a legislator added to that gained at the bar, and all acquired before he took his seat upon the bench, gave him a familiarity with men and with affairs which relieved his official bearing of stiffness and facilitated the transaction of business in his court.

He could measure men; could penetrate their motives and their methods of action and their sincerity. He had keen insight.

He was a most industrious and painstaking student of the law. The quality of his mind was imaginative and inquisitive — perhaps more inclined to close inspection than to breadth of view. His opinions display thoughtful consideration of all aspects of his subject, and his occasional dissents testify to his independence. Yet his mind, though fertile and inclined to be speculative, did not lack practical wisdom. He was not one of those who consider that to differ from others is a mark of independence or strength. He knew that often more courage is displayed in agreement than in disagreement.

His judicial courtesy was unfailing. The day has no doubt passed when judges regard themselves as the superiors of the bar or as its antagonists; yet even in this day of ameliorated manners Judge Field's gracious bearing was conspicuous. It encouraged youth, and did not dismay even the mature promoter of doubtful law. He was not hasty nor intolerant, yet merciless to dishonorable practice.

This judicial manner was but the manifestation of a sweet personal character, the charm of which those who knew him in private must at once concede. His wide and curious reading made his conversation entertaining, and he enlivened it by a considerable sense of humor. He brought and never lost something of the unconventional freshness of his early country youth.

I have said that in our Chief Justices we assume high personal qualities as a matter of course. We make no mistake, and yet such qualities deserve perhaps a fuller recognition.

It is no small thing so to live that the sum of life shall be a character and an integrity above the breath of suspicion. Such a breath never blew upon his fame. His sense of fair dealing and of honor was so delicate that he could only be perfectly at ease in some high position where such a sense could never be offended. It seemed to me that for such reasons he was not at home in Congress. After once losing a seat, to which I believe him to have been fully entitled, no doubt his self-respect prompted him to vindicate himself and the choice of the people of his district, and he succeeded in a second election; but he made no special effort to distinguish himself in

public life, and I do not doubt that he found the arts of political management thoroughly distasteful.

He was direct and outspoken in the expression of his opinion. He took such part in the affairs of the community as his judicial station permitted. His religious belief was liberal, and he was a constant attendant at church.

By his death we lose another leader. Those of us who, to our surprise, must consider ourselves the older practitioners feel that of late these losses have been very frequent. The generation of leaders whom we knew has chiefly disappeared. It seems as if none now stood out before their fellows as men did a few years since. Probably men will not so stand out again. But Chief Justice Field stood among those leaders, and will be long remembered as the good citizen and the upright and learned judge.

ADDRESS OF MOORFIELD STOREY, ESQ.

His seniors and his contemporaries have spoken from their longer acquaintance and their more intimate knowledge of Chief Justice Field, and there is little that I can add to what they have said so well. I knew him from another side, for I was his junior by some years. When I first met him he was the Assistant Attorney General of the United States, and I was a law student. From then until his untimely death I saw him under many different circumstances, — as an opponent, as a leader, as a judge, and in friendly conversation. His was a character to win regard and to command confidence and respect. He was by nature a student, and he carried about him the serene atmosphere of the Library. His tastes were scholarly, and throughout his life he found the greatest pleasure in his books; yet it was his fate to be constantly in the active world. He had little liking for the contests of our profession, — little of that instinctive partisanship which makes the lawyer see only with his client's eyes, and the politician adopt his party's conscience. He always seemed to me a dispassionate advocate, doing his full duty to his client, but

never so carried away by the *gaudium certaminis* as not to take something of a spectator's interest in the conflict.

He was singularly simple and unaffected, losing nothing of these rare qualities with age, success, and high preferment. By nature retiring, though always kindly and frank, he never sought office or honor; but when they came, he accepted the responsibilities which they brought and did his duty with perfect fidelity. His most marked characteristic perhaps was his absolute conscientiousness, which made him always a severer critic of himself and his own work than he was of others. No one could know him and not recognize this, and with it his high sense of honor and his entire modesty. He was never arrogant nor self-assertive, always suggestive, not dogmatic. As a judge he possessed a keen intellect, a strong taste for research, an overmastering sense of duty, and untiring industry, — a combination which never suffered him to spare himself or neglect any work which was given him to do. These, in combination with his moral qualities and his thorough training, fitted him peculiarly for the bench. If in some measure he lacked the dominant characteristics of his greatest predecessors, the difference was largely a difference of manner. The untiring patience and unfailing courtesy which he brought to his daily discharge of his duties smoothed the path for client and counsel alike, and they seem to us all the more remarkable when we remember under what distressing pain he often did his work during the later years of his judicial service. Alike at the bar and at the bench he upheld the highest standards of our profession, and both by his own actions and by the influence of his example was a strong force working for righteousness.

An honorable opponent, a wise counsellor, an eminent magistrate, a just man, he has been for many years a gracious presence in our courts and it is with a deep sense of personal loss that we meet to pay our tribute to his memory.

ADDRESS OF HERBERT PARKER, ESQ.

Mr. President and Gentlemen of the Suffolk Bar:

By a courtesy entirely beyond any desert of my own, I am permitted to speak on this occasion when we assemble to pay tribute to the memory of the late Chief Justice Field. Fitting eulogy of him should find phrase and expression only in the loftiest eloquence, for the laurels that are laid on his grave are such as may be plucked only from the most exalted heights of human endeavor and achievement.

I speak wholly from the inspiration of the moment, and I ask your indulgence to speak, only because of the profound earnestness and sincerity of the admiration I entertain, and shall hold always in mind and heart, for the stainless character, the pure life, the magnificent intellectual endowments given by him, with unselfish devotion, to the public service which he so long enlightened and honored.

We meet in the shadow of sadness, conscious of a loss to which we may not be reconciled; yet reflection tells us we have more to rejoice in than to lament, for it is of his life that we think and speak, and not of what we call his death. It is of the immortality to which he has attained, — not as by a deification sometimes accorded to the illustrious dead, for he was too manly, too quick with human sympathy and broad humanity, to pass from us to the clouds of an inaccessible Olympus. I am sure that the great jurist gains an immortality that may not be hoped for or attained through devotion to any other field of public service or professional life. No such enduring monuments are left to mark the triumphs or successes of the great soldier. Through his life he may have heard always the grateful acclamations of the people he had led. He may have won wide empires, and fixed the standards of his victories on their remotest borders; but when the sword shall fall from his nerveless hand, and a new generation and new leaders arise, new battles are fought, warring armies sweep over the fields he had won, and with their passing the evidences of his conquests are forever obliterated, disappearing

from the surface of the earth and from the recollection of his people. The glories of the diplomatists are as ephemeral as the human life that makes them possible, the maintenance of their treaties or alliances scarce surviving their inscription upon the recording parchment. The learned and skilful physician or surgeon must intrust his fame and the memory of his name, however distinguished, to the generation that knew his inspiring presence and the beneficent touch of his healing hand. His ministrations to suffering humanity must cease when death, which he stayed from visiting others, arrests his earthly activity.

But to him who is intrusted with judicial authority, and worthy to administer it, there opens a sphere of actual service and benefit to his fellow men, as limitless as the vistas of the infinite future. He speaks not alone to the living who are before him; he writes his decrees not merely that the suitors in his presence may know the determination of their particular causes; so far as the wide dominion of the common law now extends, or may through the coming centuries expand, wherever the principles of justice, upon which that splendid system of jurisprudence are founded, shall control the minds of men, there, for all time, will the thought of this wise and just judge live always. Safeguarded within the temple of justice, the silent volumes in which are recorded the evidences of his profound learning, his ceaseless searching after the truth, his enunciation of the eternal law, shall speak with an ever-living and commanding voice to all who shall turn to them for the inspiration that springs from the spirit of truth.

The coming generations may not see the dignified yet gracious presence of our lamented Chief Justice, nor hear again the earnest accents of his voice; but the character of the man himself, sympathetic with all suffering or misfortune, but stern and inexorable in his denunciation of deceit or wrong, will stand revealed, distinct and unchangeable, as long as mankind shall hold in respect and honor that which is just and righteous.

I shall not assume to measure or define by any inadequate analysis those higher intellectual qualities that made him worthy to sit in the seats of the mighty. Upon this theme, demanding the exercise of

the best faculties of reason and judgment, others to-day most fitly and justly speak.

I had not the happiness to know the late Chief Justice from any intimate personal acquaintance, but even as I knew him I realized how charming, interesting, and instructive he must have been in social intercourse, when the severe duties of his days were laid aside, and he could relax mind and body in the sunshine of domestic and social freedom.

We all must have remarked that, even in the gravest consideration of an abstract question of law, he not infrequently revealed momentary flashes of shrewdest humor, — often one of the most efficient tests by which to determine the real value of argument or proposition. I cannot refrain from expression of my gratitude and appreciation for his great kindness of heart. My first impression of him was in a degree awe-inspiring; and when first I addressed the court, sitting in banc, it was not without a sense of real terror. Doubtless His Honor saw and knew this. There beamed from his kindly eyes most comforting encouragement, in which I forgot all fear; by considerate and courteous manner, by inquiries put to me, as if I were able to give him instruction, he elucidated the real merit of my cause, it became clear and intelligible, not by reason of my presentation, but by virtue of the blaze of light his investigation threw upon it.

He possessed that rare quality of mind and character that developed the best powers of those who came within his influence. That which was false or evil shrank in cringing confusion before him; but the cause that was worthy, however unskilfully presented, by the touch of his infallible analysis became plain and invincible, as under the hand of the genius of the great sculptor the figure and features of the spirit of truth rise in beauty and dignity from the formless marble.

His judgment has fixed and defined the channels through which the mighty currents of the industrial and commercial interests of your metropolitan life shall flow. I come to you from beyond the western hills that bound your horizon; but there is there no rural fireside, no homestead, but is the more serene and secure through the safeguards with which his decrees have surrounded them. No

cause was ever too great, too far reaching, or too complex to escape the complete grasp of his intellect; no cause was ever so humble that it failed of his most exhausted, patient, and conscientious inquiry and judgment.

Gratefully I pay this inadequate tribute to the exalted memories, the high standards of public service, character, and virtue he has left to us.

ADDRESS OF CHARLES T. GALLAGHER, ESQ.

Mr. President and Brethren of the Bar:

I was climbing the old stone staircase of the old stone Court House in Court Square, on a sultry summer afternoon twenty-five years or more ago, in company with a fellow-student a year my senior in his law books, when we heard what was unusual at that time of the day and year, apparently a trial in progress in the old Municipal Court room in the second story of the building; after stopping to listen at the cloth-covered half-door we entered to hear what was in progress. Seated within the mahogany circle of what formed the bar of the court was the late William G. Russell on one side, and the late George A. Somerby on the other; between them, with his hands in his pockets, addressing the court, was a lawyer whose clear-cut presentation of his case so won my admiration that I showed my interest and delight. I naturally inquired of my companion who it was, and he said: "Don't you know? That is Walbridge A. Field, the brightest scholar that has graduated from Dartmouth College since the days of Rufus Choate; been Assistant Attorney General of the United States under Judge Hoar; he is a scholarly fellow, he 's got a mind as keen as a brier." It was a rude but comprehensive description, and as a law student I was held attentive by the clean-cut, logical style of Mr. Field's forceful argument, and was impressed with the scholarly bearing and dignity of the man.

A few weeks after, the same summer, I was sent from the office where I was a student, with some form of communication, to the office of Jewell, Gaston, and Field. It was my first visit to that

office, and I approached it, as students did the offices of other principals in those days, with some feeling of trepidation. Unaware, as the new student was, what strained relations might exist between another office and his own, it was not infrequent that he might be received into the atmosphere of an office already charged with the vibrations of legal battles still in progress, the spirit of which in some cases was imparted even to visiting students. Time and manners have improved in the short years since then. While in these days the bar endeavor "to try causes," in those days the apparent desire was "to fight lawsuits." As I entered the office I forbore to interrupt Mr. Field, who was seated back to the door busily engaged in reading. When I did speak to him, however, I found, as he laid aside his book, that I had merely interrupted the perusal of one of Dickens' works, and was impressed at once with the fact that I was in the presence of a large-hearted, broad-minded man, one who was possessed of a love for his kind; and his courtesy and affable treatment of me at that time bore out to the full the impression I had just received and the opinion I had formed. His manner was gracious and considerate, and I went away feeling that no matter what were the strife, such a man must indeed be a friend to every young man. Twenty-five years' experience with him in public life and at the bar, and before him on the bench, have crystallized and strengthened to a superior degree the opinion that I then formed.

I mention these two incidents as illustrations of the two phases of Judge Field's character which impressed me so early in my studies, and which have been enlarged and strengthened during twenty-five years' acquaintance with him, — his ability and learning, coupled with a kindly nature.

Later in life, after he had been called by the Republicans of his district to contest for a seat in Congress, it was my good fortune to be one of the committee who met him frequently during his campaign, and was again impressed with the high character and stand that he took in public matters. I felt proud to be associated with the young men who were interested in his canvass; they were none of them political "workers," but men of the finest type of character,

and Judge Field's personality was such that he drew men of that character about him. He would allow his campaign to be conducted only on the highest plane, and it is a tribute to his sterling character and high moral worth that young men were found in such numbers to devote their time from busy lives to the advancement of what he professed on public questions. The campaign closed with Mr. Field winning the admiration of every man who had met him in his canvass.

As to the high character and standing of Chief Justice Field in public life or while at the bar and on the bench, so much has already been said by those who were his associates and personal friends, that anything a person of my years should say thus late in the proceedings would be anti-climax. I want to pay my tribute to his kindly personality, and I come, as a younger member of the bar, in response to the invitation of your committee, to place my humble chaplet on his grave, and add my word of appreciation for and devotion to one whose kindness, patience, and unfailing courtesy won for him the love and affection of all those whose good fortune it was to know him.

SUPREME JUDICIAL COURT OF THE COMMONWEALTH.

The meeting of the bar was followed by the recognition of the proceedings by the full bench of the Supreme Court. The tap of the court officer's gavel brought every one in the court room to his feet, and through the door leading from the lobby the justices of the Superior Court entered, followed by Chief Justice Holmes and Judges Morton, Lathrop, Hammond, and Loring, the latter five occupying the bench.

Court Officer Murray heralded the opening of court, and after every one had become seated Attorney General Knowlton addressed the full bench.

ADDRESS OF ATTORNEY GENERAL KNOWLTON.

Your Honors: I am charged by my associates with a solemn, yet grateful, duty. Walbridge Abner Field, a justice of this court for eighteen years, and for nine years its chief, died at his home in Boston on the fifteenth day of July last. The bar of the Commonwealth have embodied in formal resolutions an expression of their esteem for him, and their respect for his memory. I am commissioned to present those resolutions to the court, and to request that they be entered on record, to the end that those who come after us may know something of the regard we had for our departed chief.

I cannot expect to add to or improve upon the resolutions which I have the honor to present to the court; but I should be unjust to my sense of gratitude if I did not avail myself of this opportunity to pay my own tribute to the memory of one to whom in common with my

associates I feel I owe so much. Chief Justice Field has been a prominent figure upon this bench for nearly a generation. The period of his service comprises the most important part of the professional life of those who are now in active practice. I intend no disparagement of those who shall take up his work in saying that to this generation of lawyers, to whom his gracious presence has been so long familiar, the unique place he occupied in our affections will never again be quite filled. In recent years my official relations with him have necessarily been of so intimate a character that whether I speak of him with full knowledge of his worth or not, I know, at least, that I speak from a full heart.

The life story of Chief Justice Field makes it plain that the high station he attained was the result of no accident. Every step seemed to lead directly towards the goal he reached. As a boy, even, he displayed that fondness for literary studies and that capacity for literary work which, next to health, at least, are the first essentials of success in our difficult profession. At college he was distinguished for his scholarship. But two other men, it is said, ever equalled the mark he attained; and one of those was Rufus Choate.

He graduated from college in 1855, and was admitted to the bar in Boston in 1860, being then twenty-seven years of age. He was fortunate in having been privileged to pursue his studies in an office of high rank and established reputation, where he remained after his admission, becoming a member of the firm; and (except when called away in the performance of public duties) continued his connection with the firm until he was elevated to the bench.

Once only, and for a brief time, he turned aside from the law. But his career in politics, though brief, was characteristic and creditable. In 1876 he was selected to represent his party in a close district as a candidate for Congress. He was declared elected. But his seat was contested; and after a memorable contest he was unseated, only to stand again as a candidate, and to vindicate his right to the seat by a second election, which could not be questioned.

During this contest he was offered by the governor a position upon the bench; but with characteristic devotion to what he deemed to be his duty to his supporters, he declined the offer. If he had yielded

to what must have been to him a strong temptation, especially as his political future seemed at the time almost hopeless, we should have had five years more of his services on this bench, but we should not have had a most convincing proof of the strength of his manhood and of his devotion to duty.

After one full term in the House of Representatives he resumed the work of his profession, enriched and educated, no doubt, by what he had learned in that greatest of schools of human experience, but glad to return to the career destiny had marked out for him. Again the call to judicial service came to him, and in 1881, at the age of forty-eight, he began that great work upon the bench of the Supreme Judicial Court, for which he was so well fitted by training and natural temperament.

What an ideal judge he was! With what natural dignity, and yet graciousness, he administered the duties of that high and responsible office! Your Honors, who sat by his side, can scarcely appreciate the unbounded confidence the bar felt in his absolute sense of impartial justice and the satisfaction they entertained in his appreciation of their efforts. Even the nervous and timid beginner was soon inspired with confidence by his sympathetic courtesy. He was a good listener. No advocate left his presence without feeling that he had had the fullest opportunity to present his client's cause.

The value of oral arguments is sometimes questioned; and there are those who hold that if the brief be well prepared, it is sufficient. Chief Justice Field had no such views. He believed that no medium of communicating ideas from mind to mind can ever quite take the place of the magnetism of the human voice; and no man who had anything to say that was worth hearing ever failed to find in Chief Justice Field an attentive, a responsive, and a critical listener. One peculiarity of his is worth noting. Many a lawyer I have known to come away from argument feeling sure that the Chief Justice was with him, because he had sharply questioned the counsel upon the other side. He had not learned that though the Chief Justice frequently interrupted with questions (one of the most valuable features, in my judgment, of the oral argument), his questions were seldom put for the purpose of confounding the advocate whom he believed

to be wrong, but rather to test the truth of what impressed him as the correct view.

A characteristic of the Chief Justice which has always profoundly impressed me I do not find to be referred to specifically in the resolutions of the bar. He never seemed to me to grow old. Though he was nearing the end of the ten years that follow the threescore, I do not recall that he presented in his personal appearance any of the usual indications of advancing years. The latter part of his life was a struggle with persistent disease; but I believe his mind never grew old, and I am sure his heart was young to the day of his death. No nipping frost had chilled the impulses of his youth; no darkness of declining day had obscured the vigor of his mind. To the ripe maturity of manhood he added a freshness of appreciation, a genuineness of sympathy with the activities, mental and material, of human life, a sensitiveness to the newest thought of the world that is the eternal characteristic of youth. It was to me the most lovable trait of his character. At a time of life when many are content to sit by the wayside and see the restless procession of human life go on before them, he was still joining in the march of the ages, keeping step to the drumbeat of the newer civilization.

Far be it from me to deny the veneration that is due to the wisdom of age, or to disparage its dignity, its nobility, its beauty, even. But I have come to learn that all the progress of this human race has been achieved by those in whose hearts the deep wellsprings of youth have not become dry. It is they only to whose clear vision is given to see the coming of the bright morrow that shall outshine the glory even of to-day. It is the divine courage of youth that dares to go forward. In saying this, however, I do not speak of youth as a matter of years, but of temperament. Those whose hearts still beat in unison with the great impulses of humanity in its reaching out for that which is beyond and above are still young, though their locks are tinged with frost and their bodies withered by disease. It was this heart of youth that continued warm in the bosom of our beloved Chief Justice till it ceased to beat forever.

I dwell upon this aspect of his character because herein do I find the key to his success as a judge. That his career was successful

in the highest sense of the word cannot be questioned. He was a great judge, not because of a towering intellect that shone conspicuously above his associates, not for the brilliancy or erudition of his opinions, not by reason of special achievement in any branch of the law; but because of the sensitiveness of his mind to the impulses of humanity, and because of his ability to keep in touch, and to keep the law in touch, with the advance of the race. I have heard it said of him by those competent to speak with authority, that his idea of the duty of a judge was not so much to formulate a science, to lay down a set of *a priori* rules, as to deal with each case by itself, and to ascertain what justice to the parties to it required, without special regard to what might be the effect upon other cases and other parties. I am not sure that this was so; and I am still less sure that it would be a safe general rule of judicial action; but in the sense that thereby the law would be brought in closer touch with the ethical sense of the humanity of to-day, it might well have been true of a judge of the temperament of Chief Justice Field.

It is sometimes said to our reproach that the law is merely a collection of precedents, a science only in the sense that it builds upon the wisdom of the ages. We whose lives are given to its service know that this is not so. It may be said to be the chief duty of the bar to ascertain what has been decided to be the law, and to apply the law so ascertained to the case in hand; although I do not so believe. But the duty of the court, at least, is a higher one. It is in its last analysis to ascertain not merely what the law has been, but as well what it ought to be; and thereby what it shall be. The law is not necessarily a dead letter; it is capable of being a great living force reflecting the progress of humanity, assisting in the attainment of the golden rule as a standard of life. The great judge of to-day is not a man who is versed merely in the lore of the centuries, but one whose sense of equity and justice is attuned to the living humanity of to-day. I can pay no higher tribute to our departed chief than to say that his sympathy with the best impulses of mankind was never warped or dulled. It is for this, above all other things, that his memory will be blessed.

He was sensitive, no man more so, to the good opinion of his fellow men, and especially of the bar. He was solicitous to so perform his work that it should be said of him that he was impartial, just, and progressive. How well the bar remember his quick, restless glance about the court room, seeking for sympathy and approval in his rulings. I believe he felt that he enjoyed the confidence of the bar, and in that thought found his highest joy. His last days were clouded by pain and sickness, but we may well believe his great heart was ever cheered and sustained by the belief that his place in the affections of his associates was secure; that he was appreciated as he knew he deserved by those he served; and that when the last words came to be said they would be those sweetest of all words to the soldier putting off his armor: "Well done, good and faithful servant; enter thou into the joy of thy Lord."

I ask that the resolutions be accepted and made a part of the records of the court.

The Attorney General then presented the following resolutions:

Resolved, That the death of Walbridge Abner Field, lately Chief Justice of the Supreme Judicial Court, has removed from a high place of usefulness, dignity, and honor a faithful public servant who was stricken down in the maturity of his splendid powers.

He was a man of commanding presence. To great natural abilities were joined cultivation, refinement, and wide experience. Appointed to the bench in his forty-eighth year, by his masterly scholarship during his college course, by his services as tutor at Dartmouth College, as Assistant District Attorney and Assistant Attorney General of the United States, and as a member of Congress, he had already won confidence and distinction, so that his original appointment and subsequent promotion, resting upon acknowledged fitness, met the cordial approval of the bar of the Commonwealth.

His instincts and habits were scholarly. His reading was wide and his knowledge deep and thorough. His learning was accurate. Quick of comprehension, he was deliberate in judgment. His mental equipment was mathematical and practical rather than meta-

physical and theoretical. He dealt with the concrete rather than the abstract. No subject of human knowledge was too great for his comprehension, no distinction too small to escape his attention. Untiringly diligent, his retentive memory preserved the fruits of a wise industry. His mind was well ordered. It was too well balanced for exaggeration. Open and candid in all his methods, he was quick to detect any subtlety. For him sophistry had no attraction.

He had in a remarkable degree that indispensable attribute of a great judge, *common sense*, which has been aptly defined by one of his predecessors in his great office as "an instinctive knowledge of the true relation of things." He was just to parties; patient and courteous to counsel. He never lost the respect or confidence of litigants. Mentally impatient of prolixity, it found no physical manifestation. Not punctilious, he yet had an inherited sense of propriety that gave a native dignity to his acts and words. He found his recreation in books. He was undemonstrative but sincere. In his friendships he was warm and constant. His fund of anecdote, information, and experience lent a peculiar charm and grace to his conversation. Lineally descended, in the seventh generation, from Roger Williams, the first teacher of toleration among the Puritans, he was tolerant of the opinions of others. With him discussion was not controversy. In his written opinions, his reasoning is logical, and his style direct and incisive. They are his enduring monuments. His keen sense of humor was ever subordinate to the gravity of the judicial office.

Ample, ready, and well digested learning, common sense, logical power, accuracy of perception, discriminating analysis, skill to apply old principles to new cases, impartiality, charity, patience, moderation, industry, courtesy, integrity, and public spirit have ever characterized our judiciary, but Chief Justice Field had all these qualities with manly modesty, sweetness of temper, pure mindedness, gentleness of heart and beauty of character, in rare and perfect combination. Under his administration the court has lost none of its prestige. He was a good citizen, loving his adopted State and city. In office and in private life he was faithful in all things. In his death the Common-

wealth has suffered a great loss, and the bar has lost a Chief Justice of whom it was justly proud.

Resolved, That the Attorney General be desired to present these resolutions to the Supreme Judicial Court with a request that they be entered upon its records as a testimonial of honor and affection, and that the secretary transmit a copy thereof to the family of the deceased Chief Justice with the assurance of the sincere sympathy of the bar.

RESPONSE OF CHIEF JUSTICE HOLMES.

Gentlemen of the Bar: It is not easy to speak for the bench upon an event like that for which we meet. We judges are brought together so closely, I sat by the side of the late Chief Justice so long — it was nearly seventeen years — that separation has in it something too intimate for speech. Long association makes friendship, as it makes property and belief, a part of our being. When it is wrenched from us, roots are torn and broken that bleed like veins. Nevertheless we must not be silent when we are called to honor the memory of a remarkable man although he was a brother. We must sink the private in the public loss.

Chief Justice Field was remarkable and was remarked from a very early age. His extraordinary reputation in his college was a prophecy of his later career. It may happen that a man is first scholar in his class, or whatever may be the modern equivalent of that now vanished distinction, solely by memory, powers of acquisition, and a certain docility of mind that too readily submits to direction and leadership. It may be, although I doubt it, that the chances are that some one in the field will outrun the favorite in the long race. It sometimes occurs that young men discount their future and exhaust their life in what, after all, is only preparation and not an end. But the presence of one great faculty does not argue the absence of others. The chances are that a man who leads in college will be a leader in after life. The chances are that the powers which carry a man to the front upon the prepared track will be accompanied by what is needed to give him

at least an honorable place in the great gallop across the world. The usual happened with Chief Justice Field. He was always an important man, at the bar as well as later on the bench. It is a pleasure to me to remember that the first case which I ever had of my own was tried in the Superior Court before Judge Lord, whom afterwards I succeeded on this bench, and was argued before this court on the other side by Mr. Field. It is a pleasure to remember kind words and pleasant relations at that time. But of course those recollections are more or less swamped in those of a long intercourse here.

His mind was a very peculiar one. In the earlier days of my listening to him in consultation he seemed to me to think aloud, perhaps too much so, and to be unable to pass without mention the side suggestions which pressed in upon him in exuberant abundance. This very abundance made his work much harder to him. It was hard for him to neglect the possibilities of a side alley, however likely it might be to turn out a *cul de sac*. He wanted to know where it led before he passed it by. If we had eternity ahead this would be right and even necessary. But as life has but a short number of working hours, we have to choose at our peril; we have to act on the presumptions afforded by our present knowledge as to what paths are most likely to lead to desired goals. If we investigate Mohammedanism, or Spiritualism, or whether Bacon wrote Shakespeare, we have so much less time for philosophy, or church, or literature at large. So in deciding a question of law, one has to consider this element of time. One has to try to strike the jugular and let the rest go. I think that the Chief Justice did a vast deal of work which never appeared, in thus satisfying his conscience and in his unwillingness to risk leaving something out. You see the same characteristic in the statements of fact in his judgments. There is an elaborateness of detail about them which illustrates the tendency of his mind. If this exuberance was a fault, it was diminished as time went on. Without abating his care he gradually learned to omit.

Outside the law his fertility of mind made him a most interesting and delightful companion. He talked little about people, and never maliciously, but in the field of general ideas he roamed with freedom. He was discursive, humorous, sceptical by temperament,

yet having convictions which gave steadiness to his thought. He had an extraordinary gift of repartee, and I used to delight in giving him opportunities to exercise it at my expense, for his answers were sure to be amusing and they never stung. No man ever had less bitterness in his nature. No man ever had a sweeter temper. I do not know how much it may have cost him to attain it, but it really was enough to bring tears to one's eyes to see how imperturbable he was in his amiability, no matter what grounds he might have for just irritation, no matter how much he might be suffering from fatigue and pain. His alleviating humor and his wit shone not merely in the consultation room, but elsewhere. I never have heard better after-dinner speeches than those which he would turn off with little or no preparation.

I have said that, although of sceptical temperament, he had convictions. The fact led to a curious result in his way of regarding the authority of decided cases. I am not sure how he would have expressed it, or indeed whether the notion was articulate in his mind, but he seemed to me to conceive of the law as ideally, at least, embodying absolute right. If a case appeared to him to run against some general principle which he thought was or ought to be a part of the law, the fact that it was decided seemed to make but little impression on his mind. He did not hesitate to throw doubt upon it or to disregard it. I do not think that he would have been content to regard the law as an empirical product of history, the particular forms of which are venerable mainly because they are — because in fact these and not something else which would seem to be as good or better if only the world were accustomed to it, are what our part of the world has come out on. Perhaps it was the same point of view that made him more ready than some judges to hold rather a tight rein upon the actual practices of the community. If a contract struck him as aiming at a gambling result, he would not enforce it, however much his refusal might encounter the daily practice of a whole board of brokers. He had his views of policy, and he did not doubt that the law agreed with him.

It was part of the same general habit of mind that he should be free to the point of innovation in applying convenient analogies to new

cases. He sometimes seemed to me to go not only beyond but against tradition in his wish to render more perfect justice. He was less interested in the embryology of the law as an object of abstract speculation, or in the logical outcome of precedent, than he was in making sure that every interest should be represented before the court, and in extending useful remedies — a good fault, if it be a fault at all. He had an accomplished knowledge of the present state of the law, and a good deal of curious and useful information about our local history, for which I have envied him often. I doubt if any lawyer whom I have known, except his honored predecessor, from whom we still learn upon another bench, was his equal in this regard.

The personal characteristics which I have mentioned went no further than to mark a person. They were no more than what every strong man has and must have. They were governed by excellent sense, moderation, and insight. He sometimes was so possessed by an idea, or special aspect of a case, as to be for a time inaccessible to suggestion until the fire had burned itself out; but in a little while, in two or three days if not the same day, he fully grasped and did justice to the other view. As a rule he was very quick and took an idea in a flash.

Men carry their signatures upon their persons, although they may not always be visible at the first glance. If you had looked casually at the Chief Justice you might not have seen more than a strong man like others. But to a more attentive watch there came out a high intellectual radiance that was all his own. I have caught myself over and over again staring with delight upon his profile as I sat beside him, and admiring the fine keenness of his thought-absorbed gaze.

He had the heroic temper. This is the last, the greatest, thing that I can say. I used to notice, even in little matters, that he always looked his own conduct in the face and did not equivocate, apologize, or disguise. I could not notice, because it was too hidden, but I know, that he did his work in the same great way. It is hard to realize or believe what sufferings he went through long before the end. But if he had walked the floor all night in poignant pain, when he appeared in the morning he gave no sign of it unless it may be by silence. He

took his work hard, as I have intimated, but he never said so, and he went down fighting, like a brave man as he was.

Gentlemen, for all of us this is a solemn moment. For me it is almost oppressively solemn. It would be serious enough were I only to remember the line of great, gifted, and good men whose place I have been called on to fill. But it is sadly, yes, awfully solemn, when I remember that with our beloved chief vanishes the last of those who were upon the bench when I took my seat, and so realize the swift, monotonous iteration of death. We sometimes wonder at the interest of mankind in platitudes. It is because truths realized are truths rediscovered, and each of us with advancing years realizes in his own experience what he always has admitted but never before has felt. The careless boy admits that life is short, but he feels that a term in college, a summer vacation, a day, is long. We gray-haired men hear in our ears the roar of the cataract and know that we are very near. The cry of personal anguish is almost drowned by the resounding echo of universal fate. It has become easier for us to imagine even the time when the cataract will be still, the race of men will be no more, and the great silence shall be supreme. What then may be the value of our judgments of significance and worth I know not. But I do firmly believe that if those judgments are not, as they may be, themselves the *flammantia moenia mundi*, the bounds and governance of all being, it is only because they are swallowed up and dissolved in something unimaginable and greater out of which they emerged. Our last word about the unfathomable universe must be in terms of thought. If we believe that anything is, we must believe in that, because we can go no further. We may accept its canons even while we admit that we do not know that we know the truth of truth. Accepting them, we accept our destiny to work, to fight, to die for ideal aims. At the grave of a hero who has done these things we end not with sorrow at the inevitable loss, but with the contagion of his courage; and with a kind of desperate joy we go back to the fight.

The resolutions of the bar will be placed upon the records of the court.

The court will now adjourn.

RESOLUTIONS OF THE ALUMNI OF DARTMOUTH COLLEGE.

At a meeting of the Alumni of Dartmouth College the following resolutions were presented by Hon. James B. Richardson, Associate Justice of the Superior Court:

Though eulogiums upon the late Chief Justice Field for his distinguished public service as jurist and magistrate have been pronounced, and the general esteem and respect in which he was held have been eloquently stated, yet it seems fitting for us in this association — of which he was for nearly forty years an active member, and for six years president — to gratefully acknowledge the obligation of the association to him, and to express our love for him, and our great sorrow for his death. It has been the happy lot of but few men to have been given, in such felicitous union, so many very great qualities with so many lovable and charming traits of person in the affairs of friendship and friend-life, as were possessed by our late brother.

To splendid natural intellectual power, cultivated with untiring industry, improved by great learning, and adorned by brilliant scholarship, were joined a fine moral sense, generous sentiments, kindness of heart, and all those qualities which give to friendship and society their enjoyment and charm.

He was absolutely truthful, he had perfect integrity, a vigorous sense and love of justice which secured and held the confidence of men in his great office, and withal a sweetness of temper, an innate kindness, a regard for others, and a gentleness which won the affections of those who had the happiness to know him more intimately; and over all, illuminating all, was the radiance of an absolutely pure personal moral character.

The memory of Walbridge Abner Field, to us and to the College whose glory he much increased, will ever be a most valuable and cherished possession.

RESOLUTIONS OF THE VERMONT ASSOCIATION.

At a meeting of the Vermont Association resolutions were read by Judge Edgar J. Sherman, and contained the following passage:

That he was a great, learned, upright, and conscientious judge; that he had brilliant scholarship; that he occupied many places of trust, confidence, and honor, and was conspicuously faithful in them all; that his title to greatness and fame is undisputed and secure, — need not be restated here. We rather desire to express, if we adequately can, our esteem, admiration, and love for him; his personal character, his pure and upright life, and his lovable personal qualities which especially endeared him to us. The name of Walbridge A. Field will remain in our remembrance as fresh and perennial and as grateful as to our sight is the summer verdure of the hills of his native State.

RESOLUTIONS OF THE CURTIS CLUB.

Resolutions adopted by the Curtis Club, an association of lawyers in the city of Boston, at a meeting held on December 15, 1899:

In remembrance of Walbridge Abner Field, for eighteen years a Justice of the Supreme Judicial Court and for nine years its Chief Justice, and in evidence of our profound respect for his character and ability,

Resolved, That, in his passing from the earth, Death deprived the Commonwealth of an upright, conscientious, and impartial judge, of great ability, absolute fidelity, in the rich maturity of his splendid powers, and in the golden hour of his usefulness. Equipped by nature and by education as few men are to perform important service to his fellow men, he filled the full measure of his large and varied oppor-

tunities with the best fruits of a life devoted to the performance of duty.

Early in his practice at the bar he became eminent in his profession by the just exercise of those fine and sterling qualities which afterwards brought him distinction upon the bench, — incisive clearness, directness, sound judgment, hard work, abilities of a very high order, an instinct for law, and a thorough knowledge of legal principles.

It was not by chance or favor that he attained his high position. In youth he stood at the head of his school. He was graduated at the head of his class in college, and the ability he displayed at the bar was soon recognized by his appointment as Assistant District Attorney, and later an Assistant Attorney General, of the United States. Subsequently he was chosen by the people to represent his district in Congress.

He was one of those fortunate persons whose whole life seems to have been guided by a single purpose and a definite object from the beginning, and whose past contained no time or effort wasted.

But it would be inappropriate here to attempt any extended review of his distinguished services to the Commonwealth and his high place among her eminent jurists. That has already been performed by all the members of the bar in their solemn and beautiful tribute to his memory; but we of a generation younger than his can appreciate, perhaps more deeply than our seniors, the kindly and helpful manner in which he met us at the beginning of our practice before him, and how we were made to feel that we were not appearing before a stern and arbitrary judge, but were rather in the presence of a great legal friend whose only wish was to assist us in the discharge of our duties. From him we learned that no quality essential to an ideal judge is incompatible with the qualities of an ideal gentleman.

But, devoted as he was to his profession and the delicate and important duties of his high office, he did not walk always in their narrow path. He rounded well the circle of universal knowledge, and freely roved in every field of science and culture. Had he devoted himself to other intellectual pursuits for which he had rare qualifications, there is every reason to believe that he would have attained a place no less distinguished than that he filled in the calling

of his choice. A just and able magistrate; a public-spirited and unselfish citizen; a true man in all the relations of strength and tenderness; his life sweetened and adorned by a rare modesty which seemed to conceal from himself the virtues and ability which were apparent to all other eyes, — he represented the best product of New England life.

Resolved, That the Secretary cause these resolutions to be entered upon the records of the Curtis Club, and that he transmit a copy of them to the family of the deceased, with the assurance of the sincere sympathy of all its members.

REMARKS BY MR. JUSTICE BARKER

[Read at the Meeting of the Massachusetts Historical Society, October 12, 1899, and reprinted from its Proceedings.]

Our late associate, apparently in the vigor of mature manhood, with form unbent, and in the full activity of useful service, was walking from the court-house on the afternoon of a winter day, when a touch, which then could not be recognized as fatal, put an unexpected and untimely end to his work. With hopeful courage he struggled to regain his strength, refusing to believe that his labor was done and his life drawing near its end. Some months of alternating gain and loss, and the end came in the early summer.

He was so large and strong a figure, so eminent in character, ability, and acquirements as well as in official station, that his death caused every intelligent citizen to pause, and to reflect gratefully upon his memory and share in the general sense of loss.

Were it not our usual custom when death calls a member from our ranks, we could not fail at this time to mention the death of Walbridge Abner Field, and to attempt some statement of our appreciation of his character and life.

He had been for many years one of the most eminent and conspicuous citizens of the State. A happy quality of the Commonwealth is that, while giving ample opportunity to her own sons, she knows how to draw to herself the manly, vigorous youth of her more northern neighbors, and has the wisdom so to do. In mind and heart Judge Field was large enough and strong enough to bear a true allegiance, not only to the State of his birth, but to that wherein he received his college training as well as to that of his final adoption. No one can doubt that he was a broader man, more sound and strong, because born in Vermont, educated in New Hampshire, and from early manhood a citizen of Massachusetts.

The practical administration of justice calls for the learning of every science, for the widest knowledge of affairs, and the deepest

and clearest insight into human nature. These come by observation acting through wide experiences, by close study of books, of things, and of men carefully made by a mind well disciplined and capable of deep and logical reflection and reasoning. Add to them the grace which comes from a familiar acquaintance with the best literature, and the cultivation resulting from attrition with bright minds in various walks of life, add also the technical knowledge of the law and of its history, noble impulses and ambitions, firmness and stability, and the power for assiduous, arduous work, and he who has these gifts and accomplishments has many of the qualities necessary in a great jurist.

As these qualities are mentioned, each of you recognizes that Judge Field had them in a high degree. His active mind, besides mastering the special learning of the law, ran through other departments of knowledge as a searching wind. His retentive memory and his power of assimilation placed at his command very much of all that he had seen or learned from books or men.

His opportunities, mostly self-made, had been large. Boyhood taught him all the life and thought of the old New England town, where every man and woman had a distinct character, worthy of study. Many of his qualities were intensified, and many of his habits of life and thought were the result of rural birth and breeding. Self-reliance, respect for the plain discharge of homely duty, interest in all things and all men outside of the narrow circle which at first bounds the vision of the country boy, love of nature and appreciation of her moods, the habits of observation and of thought, and the ambition to render great service rather than to seek amusement, notoriety, or riches, were fostered by the surroundings of his youth. Nothing gave him a keener interest than the study or discussion of primitive New England life and thought. In many fine ways he remained a typical Vermonter, bringing with his presence the breezy atmosphere and the freshness of her hills and the unaffected natural brightness of her sunny moods.

After the Vermont school came the New Hampshire college, and one could well understand that he stood at the head of his class from his familiarity with Greek and Latin authors, and the ease with

which he continued to use those tongues. Rarely would a day pass without some expression showing a ready command of knowledge outside of his profession. An experience as a teacher added to his facility of control, but left with him no prim and arbitrary habit of command and no tendency to make a display of authority. He was slow to assert the prerogatives of office, and no man was more free from arrogance or any shadow of pretence.

He early entered a firm in large practice at the bar, whose senior members, prominent alike in public and in professional life, tried as many important causes as any advocates of the day. Nor was Judge Field's part in the business of the firm mere office work. He not infrequently tried jury cases, conducted difficult equity suits, and made many law arguments. Almost at the outset, a contest in the Federal Court with the then United States Attorney of the District, in which the younger lawyer won, procured for him from his adversary an offer, which he accepted, of the place of Assistant United States Attorney, and this opened to him the field of national affairs. Before he went upon the bench, he was further fitted and ripened in the same direction by more than one valuable experience in the national capital, sitting in the Cabinet as assistant attorney-general and in Congress as a member of the House, and gaining thus an acquaintance with officials from all parts of the Union, and with statesmen, as well as with modes of national action. He always took a lively and intelligent interest in politics; but his political career, although he was yet in Congress when appointed to the bench, was wisely kept subordinate to his chief work. At all times the lawyer, his ripening and his ripened powers were devoted to the law, as worthy of his constant study and as the means for him of greatest influence.

While his work at the bar constituted his most important training for the bench, and while it was supplemented by his experiences in public life and by his attention to scholarly pursuits and to the extension of his acquaintances and friendships, there were other sides to his large nature.

The venerable clergyman who so feelingly spoke at his funeral attested his faithfulness to that great factor in promoting the higher and better life of the individual and of the community, the church.

There are no more important and delicate subjects for judicial decision than those which grow out of the duties and relations springing from the family. These he could the better understand, and could deal with the more wisely, because of his own fine family life in a home where wife and children gave him daily greeting, inspiration, and service.

Then, too, he had the power and the habit of displaying such a real and kindly interest in other men, that, instead of seeing them "as trees walking," he found them fellow men, and induced them to open up for his use whatever each had of good.

His interest in his college continued close and warm, and he was enthusiastically greeted at the meetings of her sons as well as at the gatherings in honor of his native State.

A little above medium height, he was so erect and had such a carriage and bearing as to make him seem perhaps of larger stature than he was. There were alertness and penetration in his look, his movements were light and easy, and there were grace and dignity, with directness, in his manner. With his outward appearance time dealt kindly, leaving his blond hair unblanched and showing him mature but retaining youthful vigor. He was temperate by habit in all things but work; and he bore bodily pain, not merely with fortitude, but so well that most who saw him knew not that he was suffering. If he concealed that almost constant incident of his later years, it was from no false pride; for with absolute frankness he would mention any slight infirmity of his own, the existence of which unperceived might possibly prejudice others.

In intellectual nature he was alert, watchful, quick, and forceful, somewhat imperious at times in dealing with an opposition which seemed to him factious or stupid and unworthy. But he had such real kindliness of heart, such insight, and was himself so unpretending, simple, natural, and great, that he never failed to give to every man such respect as was his due. Keen of wit and very ready in repartee, he was never sarcastic or cutting, but always considerate of the feelings as well as the rights of others. So simple, kindly, and unaffected was he, that children playing in his street would stop him in the way and get him to join their sport.

To the quick, clear, and full perception of a complicated matter he joined an equal readiness in bringing to it his own large knowledge. And yet the temper of his mind was not to come to hasty or sudden conclusions, but first to be sure that he had brought together and ranked in due order all pertinent considerations. So he listened well and with evident interest and pleasure, and never with the air of one who having made up his mind finds further talk irksome.

While confident, as he might be rightly, in his own views, he had not the least pride of opinion, and implicitly and graciously would adopt another's view when shown that it was well founded. No extent of research was so great, no intensity of thought so deep, as to make him shrink from the labor necessary to arrive at a sound conclusion.

He uniformly showed the same cheerful faithfulness in the discharge of duties comparatively trivial as in those most deeply affecting important interests.

Never burdened with riches or unduly given to any form of pleasure, he walked an even way confidently, calmly, and with self-respect.

Were not intense conservatism the usual outcome of wide experience combined with great ability, it might perhaps be said that he was almost too conservative. He held very strongly to the view that the existing order should not be changed lightly. All extravagance was distasteful to him, and he had an instinctive dislike of a heavy verdict or a large award. Frugality was a virtue which he practised both in official and in private life. He drove his single horse and unpretentious carriage, finding in this his out-of-doors diversion, and keeping informed of the physical changes of the city and its suburbs. His modest dwelling in a section from which fashion had withdrawn was as simple as his life. Yet there were no finer instances of unaffected, dignified hospitality than the entertainments in his plain basement dining-room, to which his friends of whatever club or coterie or station were glad to be bidden. All his qualities combined to make him, upon those occasions when he properly could unbend and give free rein to wit and fancy, a most delightful host or companion.

This man, so born and trained, so ripened and developed, with such high powers and great acquirements, with such true simplicity and dignity, served as a Justice of the Supreme Judicial Court of Massachusetts for eighteen years, nine of them as its Chief Justice. These eighteen years far more than cover the average span of a judicial life, and he was in fact in length of service the senior justice of the higher courts.

To note the breadth and worth and quality of his judicial work, to mark his place as magistrate and jurist, and to tell of the affection and esteem in which he was held by the bar, by his associates, and by all concerned in the practical administration of justice, is the peculiar province and privilege of another meeting, at which that one of your members who served longest with him on the bench and who has succeeded to his high office will speak the last word.

Upon this occasion it is enough to say that neither by his character, his work, nor his life has been made dim or cold the clear, life-giving light of justice.

This society, honored by his membership, honors itself in giving testimony of his worth.

MEMOIR WRITTEN FOR THE MASSACHUSETTS HISTORICAL SOCIETY BY JOHN NOBLE, ESQ.

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There is already upon record in the proceedings of this society the tender and touching tribute to the memory of Chief Justice Field, given at its first meeting after his death, by our associate, Judge Barker of the Supreme Judicial Court. So vivid and life-like is the presentation of the characteristics which made up that striking and forceful personality, and so full and discriminating and just the description of the man and the magistrate, that he seems almost brought in bodily presence before us. It is not for me, then, in discharging the duty assigned me, to attempt to add to a delineation so complete and clear, but rather to give merely some brief account of the events of his life, with further detail of date and circumstance.

Walbridge Abner Field, Chief Justice of the Supreme Judicial Court of Massachusetts, died in office on the 15th of July, 1899.

He was born in North Springfield, in the State of Vermont, on the 26th of April, 1833, the son of Abner and Louisa (Griswold) Field.

His Christian name came to him somewhat curiously. Several weeks before his birth his mother dreamed she had a son and they called him Walbridge. The name was an entirely unfamiliar one, unknown in his long ancestry on either side. When the son was born, his father said, "Wife, what was the name we called him in your dream?" The leading of the dream was followed, and a name was given, somewhat as in the biblical story, — the name mysteriously directed, with that of the father added.

Both parents were of good New England stock, inheritors and representatives of those sturdy qualities, moral and intellectual, coupled with that delicacy and refinement of feeling, which go to make up the best of distinctive New England character.

His father was a man in good circumstances, well to do for his time and situation, living comfortably, independently, and well. He had not had the advantages of what is termed a liberal education, but was not without a training that largely supplied its place; a man naturally bright and of good parts, developed in the school of practical life; of sound judgment, good sense, and the courage to express his own opinions as well as to form them. Born in Vermont, his whole life was passed in his native State, then and for years the most homogeneous of the New England States in the character of its population, the unmixed New England stock and type.

At the age of twenty-two he began a long and honorable mercantile life. Though of delicate health for much of his life, he was always active and influential in town affairs. He was also the first postmaster of North Springfield, one of the incorporators of the Windsor County Mutual Fire Insurance Company, of the Springfield Savings Bank, and of the Bank of Black River, and president of the latter for a number of years. In politics originally an old-fashioned Whig and later a Republican, he served as a member of the General Assembly and as a senator of Windsor County.

He meant that his son should have to the fullest extent those advantages which he perhaps prized more highly from having lacked them himself. He gave him the best education which his opportunities afforded, through schools and academies, finally sending him to college and the law school, furnishing the wherewithal in every stage with ready and generous liberality. He started him on his college course with two thousand dollars, a large sum for those days, determined that nothing should interfere with his progress and success. The son feelingly appreciated all that his father had done for him and fully justified the father's hopes. His college course completed, the son, with inborn independence and generous heart, — when his later circumstances allowed it, — gratefully and graciously repaid it; cherishing through his life an abiding remembrance of the undischargeable obligation owed to his father's love and encouragement.

Judge Field's mother was a woman of strong character, of unusual native ability, of refinement and tenderness of feeling, well

educated and well read; a woman who studied and thought and wrote ably and gracefully. In the History of Springfield, Vermont, the article "History of North Springfield" was written by her when more than seventy-five years old.

What she was and what she was to him can have no better proof than the affection, the devotion, and the veneration which he showed to her from his very boyhood up to the close of her long and honored life. The closeness and strength of the ties that bound the family together, and the beauty and charm of the home life there, revealed in many ways, are to be felt rather than told.

A man's ancestry to a large extent is a part of himself, and it is always a matter of curious interest to watch the out-croppings of ancestral traits in the descendant, in later times and in other circumstances.

Judge Field had always a deep interest and a just pride in the various lines of his forebears.

On his father's side he was descended from Thomas, the nephew and heir of William Field, of Field's Point, the first of that name in Providence, Rhode Island, who lived there in 1636 and died in 1665. His will was dated May 30, 1665, in which, having no children, he made his nephew his heir. The nephew, Thomas, was in Providence at the date of the will, and died there August 10, 1717. He took the oath of allegiance in 1667. By his wife, Martha, who died some time after 1708, he had three children. The oldest, Thomas, was born about 1670, in Providence, where he died before October 21, 1752. He married Abigail, daughter of William and Abigail Hopkins. Their second son, Jeremiah, was born some time before 1706, and died September 8, 1768. He married Abigail, daughter of Richard Waterman, December 27, 1725. Their son, James, the fourth of a family of eight children, was born in Providence, July 31, 1738, and died in Vermont. By his first wife, Hannah Stone, he had one child, Pardon, who was born in Cranston, Rhode Island, April 13, 1761, and who married Elizabeth Williams, a lineal descendant of Roger Williams. Their son, Abner, was the fifth of a family of nine children. Abner, the father of Chief Justice Field, was born at Chester, Vermont, November 28, 1793, and died De-

cember 19, 1864. His wife was Louisa Griswold, to whom he was married February 16, 1832, and Judge Field was the oldest of their four children.[1]

His descent from Roger Williams may be traced as follows:

1. Roger Williams and his wife Mary.

2. Joseph Williams, their son, born December 12, 1643; died August 17, 1724. He married Lydia Olney, the daughter of Thomas, December 17, 1669.

3. James Williams, their son, born September 20, 1680, who married Elizabeth Blackmar, the daughter of James, and who died June 25, 1757.

4. Josef Williams, their son, born October 24, 1709, who married Lydia, the widow of Ichabod Potter, and died July 16, 1761.

5. Elizabeth Williams, the daughter of Joseph and Lydia, was born July 8, 1758, married to Pardon Field, and died at the age of 82, August 17, 1840. Their fifth child was Abner, the father of Judge Field.

Through his grandmother he could trace his descent from Thomas Olney, James Blackmar, and William Hawkins, the father of Blackmar's wife, Mary, and through his grandfather, Pardon, he was descended from Thomas Harris, Gregory Dexter, John Whipple, Thomas Angell, Thomas Barnes, Hugh Stone, and Peter Busecot, counting no less than twelve original Rhode Island settlers among his ancestors.[2]

New England, rather than any single State, claims Judge Field. Born in Vermont, where his early life was passed, he was educated mainly in New Hampshire, and his most distinguished lifework was done in Massachusetts. In Maine he found what went to make up the happiness of his domestic and home life. As on his father's side he was sprung from the early settlers of Rhode Island, so on his mother's side he goes back to the early settlers of Connecticut.

The old Griswold family of Connecticut finds its ancestry in Sir Humphrey Griswold of Malvern Hall, England. The first of the name on this side of the water were two brothers, Edward and Mat-

[1] Genealogy of the Fields of Providence, R. I., as traced by Mrs. Harriet A. Brownell, mainly from records and papers in Rhode Island, and printed for private distribution by J. A. and R. A. Reid, Providence, 1878.

[2] The genealogy thus given above was compiled by J. O. Austin, Esq., of Providence, for Judge Field.

thew, who came over about 1645. Edward settled at Windsor and afterward moved to Killingsworth. He was born in England in 1607, where he was married and where his children were born, except John, born in America August 15, 1652. John's second wife was Bathsheba North, who died March 19, 1736. One of the eleven children born of this marriage was Joseph, born September 26, 1690. He married Temperance Lay, December 29, 1714, and they had eight children. The third, John, married Mary Ward. Their son, Daniel, the eighth of a family of twelve children, was the father of Judge Field's mother. He was born at Meriden, Connecticut, December 5, 1762, and died at Springfield, Vermont, August 4, 1836. He married, in January, 1786, Annah Lenthal Ames, of South Farms, Middletown, Connecticut, who was born February 17, 1764, and died June 8, 1826. Both are buried in North Springfield, Vermont.

Here again was a large family, numbering ten; and the youngest, Louisa, was born December 5, 1807, married to Abner Field by Rev. Uzziah C. Burnap, February 16, 1832, and died at North Springfield in 1884.

Both the grandparents of Judge Field were persons of strongly marked character. The grandfather, Daniel Griswold, the first one of the name to appear in Vermont, was a boy of fourteen at the death of his father, who, when along in life, enlisted under General Putnam at the breaking out of the Revolution, and who died from exposure a few weeks after the battle on Long Island. A healthy, sturdy boy, full of energy and youthful independence, Daniel started out to make his way in the world by himself, with the slender outfit of a single suit of clothes, and a pair of shoes lent him by an older sister. At sixteen, undeterred by the fate of his father, he entered the army, drawing as pay ten dollars a month in silver, and served for nearly a year. He saw the opening there might be for courage and energy in the wilds of Vermont. He bought his first piece of land there in Springfield, August 24, 1784, — the beginning of those holdings which, before he died, made him one of the largest landowners in that region. James Chittenden came up from Connecticut, cleared a part of the land and built a log house on it, where he lived until February, 1790. For one or two seasons Daniel

worked with him, bringing his provisions from Connecticut. The difficulties to be encountered and the privations in making this settlement in a new country were so many as nearly to discourage him. At last, doubtful of a success that would satisfy his expectations, he was tempted to sell out and abandon the clearing. But his wife, whom he had married some year and a half after his purchase, "would n't listen to this; she had made up her mind to go to Vermont, — and they went." Starting from Connecticut some time in 1790, with an ox-team, after a rugged journey of ten days they reached the clearing and established themselves in the log house. The proposed settlement was an accomplished fact. In three years the log house gave place to a frame house, one of the substantial structures of the last century; which was standing not many years ago, and may be to-day. In his new home he prospered.

A thriving farmer in the early days, he became, as the town grew up around him, an able man of business and affairs. Always respected and influential, of integrity and good judgment almost proverbial, his counsel was everywhere in request, and he found himself occupying all sorts of positions of honor and trust among his fellow men.

In his wife he found a worthy helpmeet. She was of Connecticut stock, the daughter of Anthony Ames and Hannah Eels; and a granddaughter of Lemuel Eels, a minister of the new-light faith, and Hannah North, an English lady. Her father was said to be "a quiet and remarkably good man," and her mother "a very religious woman, perhaps somewhat exacting, who carried out to the letter in her family the spirit of the old Connecticut blue laws." The result in the daughter was a woman full of life and fun, of strong character, proud without vanity, energetic and determined, clear sighted and strong willed. The picture of their home life, as it lives still in the memory of the older people and has been affectionately retraced by their descendants, is a most pleasant one, — a well ordered, busy household, with abundance of innocent, simple pleasures and amusements, good cheer and comfort and happiness, hospitable and free-handed, with "the latch string always out, and the table always spread for the guest or the stranger."

Such was Judge Field's ancestry, immediate and remote; and one may perhaps trace in his character, with various shadings and modifications and successive developments, many of the qualities which marked those long and widely diverging lines.

As a boy he was bright and full of life, eager and ambitious, turning to account and making the most of the training he got at home and in the common schools.

As he told his nephew, in after life, one day when he was some dozen years old he took his book into the orchard, and as he was studying, he determined then and there he "would be a scholar," adding modestly that he had fallen far short of that youthful purpose.

In 1846, when thirteen years old, he went to the academy in Perkinsville, a little town some four miles from his home, where he remained for a year. The next year he was in the Springfield Wesleyan Seminary, at Springfield, Vermont, an institution which can reckon among its students at different times many men to-day prominent around Boston at the bar, on the bench, in the pulpit, in journalism, and various other callings. Here he spent three years.

In 1850 he entered the Kimball Union Academy, at Meriden, New Hampshire, from which he was graduated in the summer of 1851. Here he at once took high rank and was the valedictorian of his class. One must be familiar with New England life in the country fully to appreciate what these rural academies were and stood for sixty years or more ago, and to know their influence upon education and the community generally. They were often the centres of the social and intellectual life of the vicinity. They brought together young people from different and frequently widely separated districts, and had the stimulating and liberalizing influence of miniature colleges; perhaps no times were more fondly recalled in after life or were fuller of pleasant memories and associations for the old students than the years spent in them.

In the fall of 1851 he entered Dartmouth College, a college which, as in Webster's day, has always been peculiarly dear to its graduates, one of the best types of the college of the older day, holding to the old ways and ideas of general, liberal development and

training. In this wider field he at once came into prominence as a scholar, taking the position which he held throughout, the leader of his class in scholarship. Under the college system of rating he held through his whole course the standing of absolute perfection, a rank reached by only two other men in the history of the college, — Rufus Choate and Professor Putnam. There is still in evidence an annual report made under "an Ordinance of the Trustees" "to the Parent or Guardian" by President Lord, August 1, 1854, giving in detail the record of Judge Field's junior year: not an absence, unexcused or excused from college, chapel and church, or recitation, and his "scholarship" as determined by recitation and examination, — in each the highest mark attainable. In college, while not especially prominent as a club or society man, he was popular and respected, with recognized qualities of leadership and influence. Among other instances of acting as a representative of the college on several occasions, he was a delegate on the student committee to the funeral of Daniel Webster, at Marshfield. He was not an athlete in the modern college sense, but was a man of athletic build and strength. He had a decided mechanical capacity, and while in college, or before, he invented a mowing machine, not unlike those of to-day, and contrived a successful corn-dropper. He was fond of tools, and took care to have good ones and to be well supplied. For a part of his college life he roomed in the Observatory, — somewhat lonesome quarters, perhaps, but it gave him a chance to study astronomy, in which he was much interested, and a practical knowledge of the use and handling of telescopes and other astronomical instruments.

By the long vacation and from the arrangement of studies in the winter, peculiar opportunities were at that time given to such students as desired to teach a term in country schools. He availed himself of this, and like many other young men, not so much from necessity as from a desire for wider experience and to test his own powers, taught three winters while in college. His first school was in Baltimore, Vermont, a little town, described as "a terrible rough place in winter." It gave him ample opportunity for the purpose and the trial. He had several scholars older and larger than himself, and he "boarded round," — one of the places being a long

distance from the schoolhouse and on a road famous for its drifts, which meant much in Vermont. The experiment was a success. The next winter he taught in a little red schoolhouse not far from his own home, where the compensation was in keeping with the schoolhouse. In 1854 he taught a winter term of school in Andover, Massachusetts. The report of the School Committee says "the school lost none of its former interest but advanced steadily to a still higher order of excellence. The method of instruction adopted by Mr. Field was eminently thorough and scholarlike. He brought to his work a most ready and complete acquaintance with the subjects he was to teach, and a remarkable power of giving to his pupils by uttered words, by pictured illustration, and by the use of objects a knowledge of the lesson taught. . . . It is to be regretted that a school so judiciously managed, so effectively and thoroughly instructed, could continue but eleven weeks." With this school ended satisfactorily his work as a schoolmaster.

His college vacations were spent wholly or mainly at home. One of his most strongly marked characteristics was the depth and tenderness of his love for his kith and kin, and his abiding affection for his old home and all its surroundings. And these held with him through his whole life. He was always doing for the rest of the household. The sister next him and less than two years younger died when he was about ten. The brother and his other sister, both considerably younger than he, remember him as always thoughtful of them, adding whenever he could to their happiness, always considerate and alive to their interests. His vacations were full, not so much of recreation and rest for himself, as of occupation to give pleasure and help to the others in the old home; and this held true of all his visits in his later life.

He took especial pleasure in all work upon the land. Like old Thomas Fuller, he felt that "to smell to a turf of fresh earth is wholesome for the body."

His attachment for the very land which his father owned for so many years, and a part of which had been in the possession of his grandfather Griswold, was almost a passion. He would never allow any of it to go out of the family name, or consent to the sale of a foot

of the ancestral acres. It is said he once yielded in the case of a remote pasture, with few associations to endear it, but was relieved and glad when the sale fell through.

He had a keen interest too in all that concerned the town of his birth, its people and its life. One of its institutions was the old-fashioned country lyceum, — that agency which did so much for the intellectual entertainment and cultivation as well as the social enjoyment of New England towns sixty or more years ago. In this in his younger days he was one of the best debaters and of the most active workers. He went beyond town lines. To everything connected with Vermont he was always alive. He never slackened in his love for his native State and his pride in it.

The four years of his college life carried him to the age of twenty-two, and in their developing experience meant much to him. Entering well equipped, well provided for, strong and energetic, full of enthusiasm, with his youthful purpose always before him and bent on its accomplishment, he made the most of his college course and graduated with earned and deserved honors. He was at once appointed a tutor of Latin, Greek, and mathematics, and held this position through the two years 1856 and 1857. His success in that field was marked. There came an offer of a professorship later. He said little of what he did in college, but was ever ready to speak of what the college did for him. He was always an intense Dartmouth man. The Dartmouth spirit is distinctive and alive. Loyal to the college, proud of her and of the list of famous names upon her roll, her graduates hold together like brothers by blood — or Scottish clansmen. Sturdy, aggressive, plucky, independent, they make and will make themselves felt wherever they are, whether it be on the bench, at the bar, in the pulpit, in medicine, in the cabinet, in politics, or in affairs.

On resigning his tutorship he began the study of law in 1858, in the office of Harvey Jewell, then a prominent lawyer of Boston, at No. 20 Court Street, in the old Tudor Building, low-browed and sombre, which stood at the corner of Court Street and Court Square, hard by the Court House. A law office then, even the most famous, was in its equipment and with its one or two students in striking contrast to the offices of to-day.

In 1859, September 28, he entered the Harvard Law School, then under the charge of its three professors, Parker, Parsons, and Washburn, with its old-fashioned courses of lectures. He left the school in 1860.

In January, 1859, he took charge of the professorship of mathematics at Dartmouth for the spring and summer terms. He then resumed his legal studies, and was admitted to the bar in Suffolk County May 12, 1860, and soon after in the United States Courts for the District of Massachusetts, and began the active practice of his profession with Mr. Jewell.

In 1863 came one of those trying occasions which sometimes come in a young man's life, when his decision at the parting of the ways means much to him. It sometimes means much to the world. It was the proposal to make him professor of mathematics in his Alma Mater. His decision and the grounds for it appear in a letter to his friend Professor Patterson, declining to be considered a candidate, and are so characteristic that some extracts from the letter are here given.

"And so the whole question with me is, 'Do I desire to abandon the law and become a professor of mathematics in Dartmouth College,' . . . Such a professorship has to me a great many attractions. I like mathematical studies and teaching; the position confers considerable solid respectability and honor, more than any other I can obtain, and the salary is quite sufficient for my wants. If my character, conduct, and scholarship should prove reasonably acceptable, I see that I could soon have a house, a wife, good social position, and some leisure, with desirable opportunities for study. These things are not certain, but probable. I might perhaps stipulate for six months or a year to go to Europe in, and then should become (D. V.) one of the better class of citizens of New Hampshire. In the law, few of these things are now to me reasonably certain; if attained at all, they lie many years ahead, and the chances are perhaps against my ever attaining them. I do not altogether like the practice of the law, and have a distinct knowledge of the kind and amount of drudgery I must bear in it. Yet the position of a good lawyer in large practice in this city is an enviable one, and even an humbler place than that in the

profession has many consolations. I do not wish to take counsel immoderately of my hopes or my fears. I have carefully considered whether on the whole I desire to abandon law for even a professorship of mathematics, and have made up my mind that I will take the risks of the law. I may repent it to-morrow, but I sing the law to-night. I am resolved to go on in it, and when I have lost heart and hope, I will write you frankly and ask for what I want in place of it."

Later he was also offered a professorship in Washington University, St. Louis, which he declined.

He advanced rapidly in his profession, and also found time to take some part creditably in politics and city affairs. He was a member of the School Committee in 1863 and 1864. There were then on the board Rev. Drs. Lothrop, Gannett, Burroughs, and Coolidge, Drs. Homans, Hayward, Shurtleff, Coale, LeBaron Russell, and A. A. Gould, Henry W. Haynes, Russell Sturgis, Jr., and F. H. Underwood, several lawyers, to mention only a few of the men of prominence.

In 1865, 1866, and 1867 he served in the Common Council, where he was associated with Alexander Wadsworth, William W. Warren, Benjamin F. Stevens, Francis W. Palfrey, Clement Willis, John C. Haynes, Solomon B. Stebbins, Benjamin Dean, Lewis Rice, Henry W. Hyde, and many other well-known citizens.

He was for a time a trustee of the City Hospital, and was a delegate to attend the funeral of President Abraham Lincoln. In July, 1865, he was appointed Assistant United States District Attorney for Massachusetts under Richard H. Dana, and continued as such with him and his successor George S. Hillard until 1869. He then became, by appointment of President Grant, Assistant Attorney General of the United States under Judge Hoar, then Attorney General, with whom he continued till August, 1870. On April 30, 1869, he was delegated by President Grant "to perform the duties of Attorney General of the United States during the temporary absence of Hon. E. R. Hoar."

General Bristow has spoken of him as the ablest Assistant Attorney General he had ever known.

Upon his resignation as Assistant Attorney General in 1870 he became a partner in the law firm of Jewell, Gaston, and Field, with

offices at 5 Tremont Street. In 1875 Mr. Gaston, having been elected Governor, retired from the firm, and Edward O. Shepard being admitted, the firm became Jewell, Field, and Shepard. Judge Field continued in the active practice of his profession and with distinguished success until his appointment to the bench. His practice was largely in the Supreme Court. The firm were counsel for several large corporations, and the character of their general business important. He appeared before the court more often than before juries, and in cases of the former sort was perhaps at his best. His character and temperament, however, gave him power before juries.

He never aimed at display or so-called oratory. But he was always clear and strong, and could become eloquent in the best sense of the term, from the force and point of his statement, the strength of his own convictions in the right of his case, and his determination to do it the fullest justice. His arguments before the court in banc upon questions of law were always especially able and effective.

While he was at the bar he took much interest in politics, municipal, state, and national. He was delegate to conventions, a chairman of the Committee on Resolutions at a State convention, and wherever and however serving was always efficient. In 1876 he was the Republican candidate for Congress from the third district. His election was contested. The question was a narrow and peculiar one. He received 9,245 votes upon the regular ballot and 25 votes in the same district upon the Prohibition ticket, which described the candidate as of the fourth district. It was before the day of the Australian Ballot and Election Commissioners. His opponent, Benjamin Dean, the Democratic candidate, received 9,315 votes. Rev. Dr. Miner, chairman of the Prohibition Committee, testified before the Board of Aldermen, as canvassers of the election returns, that the ballots of the party he represented were wrongly printed and were intended for Walbridge A. Field's candidacy. The aldermen made returns to the Secretary of State in favor of the Republican candidate, and he received the certificate of election. Mr. Dean contested the case before the United States House of Representatives, which was then Democratic, and was given the seat, March 28, 1878.

In 1878 Judge Field and Mr. Dean were again the candidates for

the House of Representatives, and the election resulted in favor of Judge Field by a majority of 441. At the expiration of his term in Congress he declined to be a candidate for re-election.

While in the thick of the contest as to the disputed seat, it is understood he was offered a place on the bench of the Supreme Court by Governor Rice, but feeling that he owed a duty to his constituents, and that to retire might result in the loss of the district to his party, he declined to have his name considered, however agreeable and honorable the position.

His service in Congress was brief, but long enough to give him prominence. He was a strong party man, but his fair-mindedness, his sense of justice, public and private, his desire to do right everywhere, his judicial temperament, were as conspicuous here as elsewhere, and were recognized. He cared not so much for filling the columns of the Congressional Record, as for looking out for the public welfare by vote, by voice, and by service. His career in Congress, in a field perhaps not wholly congenial, was creditable to himself and the State.

A man's home life hardly belongs to the dry pages of a memoir like this. It is enough to say that all those qualities which so endeared Judge Field to the wide and ever widening body of friends found here full scope and play, — his gentleness, warmth of feeling, kindness and courtesy, and his power of drawing all to him, so that even the little children of his street watched for his coming and welcomed him as if of their own household. October 4, 1869, he was married to Miss Eliza Ellen McLoon, the daughter of William McLoon and Hannah (Keating), of Rockland, Maine. She died March 8, 1877, leaving two children, Eleanor Louise and Elizabeth Lenthal. October 31, 1882, he was married to Miss Frances Eaton Farwell, daughter of Hon. Nathan Allen Farwell, of Rockland, Maine.

Judge Field was for a long time connected with the South Congregational Church, under the charge of Rev. Dr. Edward Everett Hale, and a member of its standing committee. Of his services here it has been said of him that his legal knowledge, his good common sense, his practical wisdom as a man of affairs, his sound judgment, his delicate moral sense, and his warm interest in the church made him an invaluable member.

He was a member of many societies and organizations; among them the Vermont Association of Boston, the Dartmouth Club, the Union Club, the University Club, the Law Club, the Art Club, the Saturday Club, so noted for the literary standing and distinction of its members, and of which he was at one time the president. He was interested and active in the general association of the Phi Beta Kappa Society, and one of its senators; in the Alumni Association of Dartmouth College, and its president; in the New England Historic Genealogical Society, and in the Massachusetts Historical Society.

He was chosen a resident member of our society, April 12, 1894. His official duties and engagements prevented him from being a constant or even a frequent attendant of its meetings. The like reason kept him from writing any papers or communications, but when present he was ready to take part in its discussions. At the February meeting in 1895 he spoke upon the death of Judge Hoar.

The degree of LL.D. was conferred upon him by Harvard University in 1886 and by Dartmouth College in 1888.

It is as a member of the highest court of the Commonwealth that Judge Field will be most widely known and lastingly remembered. The fame of a lawyer is fleeting; of the most illustrious names only the shadow is left in later years. With a judge it is otherwise, and this may be one of the compensations for laborious days and scant remuneration.

Judge Field was appointed an Associate Justice of the Supreme Judicial Court on February 21, 1881, upon the resignation of Seth Ames, and took his seat two days later. On the 4th of September, 1890, he was appointed Chief Justice, upon the resignation of Marcus Morton.

Certain qualities have often been set down as essential to a good *nisi prius* judge or a justice sitting singly. A few among them, — adequate learning, legal instinct, familiarity with decisions, mastery of pleading, practice, and procedure, grip of principles, knowledge of human nature and ability to read men, power to grasp, sift, and balance evidence, coolness and courtesy, patience and sound common sense, clearness and accuracy of statement, the capacity to hold well in hand a trial or a hearing, good judgment, and the mastership of

the situation, whatever it may be. Of these Judge Field had many, and also the superadded qualification of a successful Chief Justice, — executive and administrative ability.

The general recognition by the public of the fitness of each appointment was most striking. And this was especially so in the case of the Chief Justiceship, when among the names mentioned in connection with the place were those of men of remarkable and unusual qualifications and most brilliant reputation, — leaders of the bar of the highest eminence, and a fellow member of the bench, the brilliant lawyer and the finished orator, the elegant scholar, the distinguished soldier, the chivalrous and accomplished gentleman, — and when general acquiescence in the result was something hardly to have been expected. It was certainly no slight tribute to the man.

Judge Field's judicial life lies recorded between the 130th volume of the Massachusetts Reports, which announces his appointment to the bench, and the 174th volume, which announces his death, and his judicial work between the 131st and 173d volumes.

His first opinion appears in vol. 131, April 11, 1881, dealing with a question of contributory negligence, and his last in vol. 173, in 1899, involving a point of practice, and his sole opinion in the volume.

The number of opinions written by him while upon the bench is very nearly eight hundred; exclusive of any *per curiam* opinions, a considerable part of which he would naturally write, and exclusive of any opinions rendered in response to questions submitted by other branches of the government. It would be impossible within any due limits here to attempt any analysis of these eight hundred, or even to enumerate the subjects included in them. There are few perhaps which may be called epoch-making opinions, and the occasion for such are naturally infrequent. They all bring out the quickness and clearness with which he seized upon the points of a case, his accuracy and precision of statement, the founding and placing the decision upon fundamental grounds, and making it square with the great principles of justice. He was a laborious worker and writer. While he could frame an order or a decree or a rule off-

hand, as exigency required, accurately and felicitously, he was never satisfied with an opinion he had written, but subjected it to revision and emendation, till often he had written and rewritten it several times; as he once said, it was never safe until it was out of his hands. This constant revision was not for the purpose of changing the result or varying the grounds, but to modify the expression or statement, so as to make sure that there was no loophole for misunderstanding, no possibility of misconstruction, and that it embodied the precise meaning he intended to convey. Hence he found his place hard and wearing beyond what it would otherwise have been.

The opinions cover a great variety of subjects and points, and illustrate the number and range of the matters coming before the court of last resort, and the complexity and importance of the questions requiring its decisions. New questions or new phases of old questions are constantly coming up. Certain fundamental principles of law may be firmly established, but their application to new and ever-varying conditions growing out of social and economic changes, new enterprises, new agencies, often present difficulties not easily solved. It is often easier to say what the law should be than what it is. Over and beyond profound learning the legal instinct is necessary. However exacting the labor devolving upon any judge may be, the strain upon any member of an appellate court is intense and almost unbroken.

Judge Field's judicial life is written enduringly in those more than forty volumes of the Massachusetts Reports, and it is enough to say here that he well sustained the character and standing that has always belonged to the judiciary of this Commonwealth, and fills an honorable place in the long line of illustrious names that grace and dignify its highest tribunal.

During his administration as Chief Justice the Supreme Court removed from its old quarters in the Court House on Court Street and was installed in the new Court House in Pemberton Square. Many of the details of arrangement had been made under his immediate supervision, and much of the work of settling down and establishing it in its new domains devolved on him.

He was always interested in historical matters, and this appears in many of his written decisions. While Chief Justice he found much satisfaction in collecting and preserving memorials not only of his predecessors in office, but of the many justices who had sat upon the bench of the court from the earliest times down to his own day, and the eminent lawyers who had practised at its bar. A result of his efforts appears in an extensive collection of autographs, likenesses, and various memorials of those worthies of the elder and the later day. These find a fitting abiding place in one of the consultation rooms, which is fitted up with the solid old furniture that belonged to its former lobby. The work which he happily began and started an interest in has been since kept up.

For a long time before his death he had been in failing health, and as time went on his suffering was often intense. But he gave no outward sign of the struggle, either in manner or expression, and without flinching held on serenely with heroic fortitude, asking and taking no exemption.

In January, 1899, his physicians counselled a complete rest from his official duties. When he hesitated and shrank from acceding to their advice, in his fear of causing a delay or interruption in the work of the court, the Bar Association conveyed to him most gracefully a unanimous vote, asking him to listen to that advice and take the needed rest. His brethren on the bench gave every assistance within their power and whatever relief was possible. He had the heroic temper, the feeling of the soldier, that he could not leave his post. On the morning of the 15th of July the end came and he died, — the tenth Chief Justice of the court to die in office.

His funeral was at the South Congregational Church, in Exeter Street. The service was conducted by Rev. Dr. Hale, and the pall-bearers were President William J. Tucker of Dartmouth College, Justice Gray of the Supreme Court of the United States, Judge Holmes of the Supreme Court of Massachusetts, ex-Governor Brackett, by whom he was appointed Chief Justice, Judge Sherman of the Superior Court, Charles Francis Adams, and Richard Olney.

The church was filled, though it was the broken period of mid-summer. As was said by a leading journal, "Nothing could have

more clearly evidenced the breadth and depth of the community's respect and esteem for the late Chief Justice than the congregation, drawn from almost every rank of life, which assembled at the church to do honor to his memory. Not only were eminent jurists and members of leading bar associations present, but there were also in attendance men of all professions, callings, and occupations. It was a singularly scholarly gathering and a notable one, and those who composed it came not from Boston and Massachusetts alone, but from most of the States of New England."

The Commonwealth was represented by the Governor and Lieutenant Governor, and the city of Boston by its mayor and other officers; there were the judges of all the courts, leading lawyers of the city and the whole Commonwealth, delegates from the numerous societies and organizations with which he was connected, officials of the Church and of the State, and citizens of every class. The service, simple as he himself would have desired, was touching and most impressive from the depth of feeling and affection manifested everywhere in the large congregation.

The public memorial tributes were fittingly closed by the meeting of the bar of the Commonwealth in November. In the court room from whose bench he had himself so feelingly and appropriately responded to the resolutions upon the death of Judge Hoar and of his late associate Judge Devens, were gathered the leading lawyers, not only of Boston, but from every part of the State, and the younger men who came with a peculiar feeling of love and veneration of his memory. The words which were spoken were impressive not only in themselves, but even more in the depth of feeling which underlay them all. The address of Attorney General Knowlton, the resolutions adopted by the bar, and the response of the court are entered upon the records of the court. The proceedings are set out in full in volume 174 of the Massachusetts Reports. Perhaps a single extract may be taken from the resolutions as a brief summary of some of the leading characteristics of the Chief Justice as shown in his official career, in the judgment of the bar, though the whole would be required to give a just and adequate appreciation.

"His interests and habits were scholarly. His reading was wide

and his knowledge deep and thorough. His learning was accurate. His mental equipment was mathematical and practical rather than metaphysical and theoretical. He dealt with the concrete rather than the abstract. No subject of human knowledge was too great for his comprehension, no distinction too small to escape his attention. Untiringly diligent, his retentive memory preserved the fruits of a wise industry. His mind was well ordered. It was too well balanced for exaggeration. Open and candid in all his methods, he was quick to detect any subtlety. For him sophistry had no attraction. He had in a remarkable degree that indispensable attribute of a great judge, common sense, which has been aptly defined by one of his predecessors in his great office as an 'instinctive knowledge of the true relation of things.'

"Ample, ready and well digested learning, common sense, power, accuracy of perception, discriminating analysis, skill to apply old principles to new cases, impartiality, charity, patience, moderation, industry, courtesy, integrity, and public spirit have ever characterized our judiciary, but Chief Justice Field had all these qualities, with manly modesty, sweetness of temper, pure-mindedness, gentleness of heart and beauty of character, in rare and perfect combination."

The words of the Attorney General were full of warm and reverent affection and brought out eloquently and forcibly the life and character of Judge Field. Chief Justice Holmes's response, speaking in the name of the court but with his own personality shaping the whole, was a most impressive and touching tribute to the memory of his predecessor. The delicate discrimination, the keen appreciation, the warmth of affection, and the intensity of feeling running through it all, make any selection from it a break in its impressiveness.

How the community regarded Chief Justice Field, its high estimation of him as a man and as a magistrate, the confidence reposed in him, the love and admiration everywhere felt, and the sense of loss to it in his death, come out with singular force in the comments of the press, in the proceedings of societies, in the expression of men of all sorts and conditions as well as in those of his near associates and friends. There is room only for the merest reference to them here.

Any attempted analysis of a man's characteristics is often on the one hand cold and hard and dry, or on the other partial and vague or indiscriminate praise. Its results may be dependent on the point of view, the occasion, the relation. When, however, the conclusions are concurrent, the points sharply defined, the final estimate unvarying, such characterization carries conviction of its accuracy and justice.

In the case of Judge Field the qualities dwelt upon are: an all-round development of character, intellectual strength, soundness of judgment, excellent sense, ripe scholarship, breadth of learning, — general as well as legal, — a mind of extreme quickness of perception, fertility of suggestion, comprehensive, absorbent, tenacious; of wonderful keenness and activity, trained and developed to a remarkable degree.

All recount his devotion to duty, his regard for public interests, his intense desire to do absolute justice and the thing which he believed to be right. They speak of his untiring diligence, his evenness of temper and sweetness of disposition, a patience which seemed exhaustless, a fine sense of honor, the courage of his convictions, and his unswerving independence, his absolute integrity. He was a man of liberal views, elegant tastes, free-handed and generous. He was thoroughly democratic in all his feelings and ways, his regard for the rights of others scrupulous and unvarying, and his honesty of purpose everywhere apparent. He had a keen sense of humor, enjoyed a bright remark or a good joke, and was himself ready at either, with a faculty for putting a thing sharply and concretely in old New England fashion. He had the utmost kindness of heart; sensitive himself, he was regardful of the feelings of others. Quick and keen of apprehension as he was, if he was ever impatient of dulness he never showed it. He had, perhaps, a touch of imperiousness in his natural disposition, which he was conscious of and perhaps proud of as his by right of inheritance; but it was always held in check, and seldom, if ever, manifested. He was courteous alike to all, and in bearing and instincts in the best sense a gentleman. Such, without individualizing them, were the judgments passed upon him.

The resolutions adopted by the Curtis Club conclude: "He represented the best product of New England life; a just and able magistrate, a public-spirited and unselfish citizen; — a true man; in all the relations of strength and tenderness, a life sweetened and adorned by a rare modesty which seemed to conceal from himself the virtues and ability which were apparent to all other eyes."

At a meeting of the Association of the Alumni of Dartmouth College resolutions were presented by Judge Richardson, a fellow-student of his in college, later a trustee of his Alma Mater, and a life-long friend, in the course of which it was said: "It has been the happy lot of but few men to have been given, in such felicitous union, so many very great qualities, with so many lovable and charming traits of person in the affairs of friendship and private life. To splendid natural intellectual power, cultivated with untiring industry, improved by great learning, and adorned by brilliant scholarship, were joined a fine moral sense, generous sentiments, kindness of heart, and all those qualities which give to friendship and society their enjoyment and charm. He was absolutely truthful; he had perfect integrity, a vigorous sense and love of justice, which secured and held the confidence of men in his great office, and withal a sweetness of temper, an innate kindness, a regard for others, and a gentleness which won the affection of those who had the happiness to know him more intimately; and over all, illumining all, was the radiance of an absolutely pure personal moral character."

But the bench, the bar, close friends and associates, the press and the general public, were not alone in paying tribute to his memory. The Church bore witness to its appreciation of that element of character, dwelt upon and felt by all, but which had for it an especial appeal.

At the funeral service the Rev. Dr. Hale referred to Judge Field's decisions as said to bear always on the eternal principles of things and to be based on the eternal principles of law and justice; and, after quoting from the scriptural account of the judges of Israel, said of the Chief Justice: "Judges are those to whom the word of God has come; Judge Field knew the word of God, had heard the voice of God, and knew how to make it a part of his daily life."

What had been said of another was not unfitly applied to the Chief Justice: "When death transplanted him to his place in the garden of the Lord, he found little that was perishable to prune away."

The Rev. Dr. Gordon wrote of him: "He was sent forth with the measuring rod of righteousness in his hand; in the strength of the eternal righteousness he used his high instrument; he was ever in sympathy with the Supreme purpose."

And the estimate of many others, varying in the expression, might be summed up in the words of that brief but wonderfully complete account given of one of old: He "walked with God: and he was not; for God took him."

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